

# Updates: Criminal Procedure Monograph 4—Felony Arraignments in District Court (Third Edition)

## Part A—Commentary on Felony Arraignments

### 4.7 Location of Arraignment

Effective January 9, 2007, 2006 PA 655 amended MCL 767.37a to eliminate a defendant's right to demand that he or she be physically present before the court for arraignment. MCL 767.37a deals with video arraignments and addresses issues similar to those in MCR 6.006, the court rule permitting interactive video arraignments. MCL 767.37a authorizes a judge or magistrate to set bail when conducting a video arraignment; the statute makes no distinction between arrests made with or without a warrant. In contrast, MCR 6.006(A) does not address bail, and the court rule specifically applies to arraignments on a warrant, complaint, or information. Insert the following text immediately before subsection (A) near the bottom of page 9:

Judges and district court magistrates are authorized by statute to conduct arraignments and set bail using interactive video technology. MCL 767.37a states:

“(1) A judge or district court magistrate may conduct initial criminal arraignments and set bail by 2-way interactive video technology communication between a court facility and a prison, jail, or other place where a person is imprisoned or detained. A judge or district court magistrate may conduct initial criminal arraignments and set bail on weekends, holidays, or at any time as determined by the court.

\* \* \*

“(5) This act does not prohibit the use of 2-way interactive video technology for arraignments on the information, criminal pretrial hearings, criminal pleas, sentencing hearings for misdemeanor violations cognizable in the district court, show cause hearings, or

other criminal proceedings, to the extent the Michigan supreme court has authorized that use.”

## Part A—Commentary on Felony Arraignments

### 4.20 A Crime Victim's Rights Following Arraignment

Effective January 1, 2007, 2006 PA 461 amended the Crime Victim's Rights Act with regard to notice requirements in cases involving deferred judgments and delayed sentences. Insert the following text after the existing text on page 31:

**Notice requirements in cases involving deferred judgments or delayed sentences.** In all cases, the department of corrections, the department of human services, a county sheriff, or a prosecuting attorney must provide notice to a victim if the case against the defendant is resolved by assignment of the defendant to trainee status, by a delayed sentence or deferred judgment of guilt, or in another way that is not an acquittal or unconditional dismissal. In performing this duty, the court, department of corrections, department of human services, county sheriff, or prosecuting attorney may furnish information or records to the victim that would otherwise be closed to public inspection, including information or records related to a defendant's youthful trainee status. MCL 780.752a; MCL 780.781a; MCL 780.811b.

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### 4.20 A Crime Victim's Rights Following Arraignment

Effective January 3, 2007, 2006 PA 620 amended MCL 600.1062 to permit drug treatment courts to accept participants from outside jurisdictions. Insert the following **Note** after the existing text on page 32:

**Note:** Subject to the agreement of the defendant, the defendant's attorney, the prosecutor, the judge of the transferring court, the judge of the receiving court, and the prosecutor of the receiving drug treatment court's funding unit, a drug treatment court may accept participants from any other jurisdiction based on the participant's residence or the unavailability of a drug treatment court in the jurisdiction where the participant is charged. MCL 600.1062(4).